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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/819,177	03/27/2001	Richard S. Paiz	6014.0200	3837

7590 07/14/2004

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EXAMINER

HEWITT II, CALVIN L

ART UNIT PAPER NUMBER

3621

DATE MAILED: 07/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/819,177	PAIZ, RICHARD S.	
	Examiner	Art Unit	
	Calvin L Hewitt II	3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Status of Claims

1. Claims 1-26 have been examined.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 4 and 14-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 16 recites, "loading system programming for loading into an individual subscribing member computer". However, the claim doesn't recite what is being loaded onto the subscriber computer.

Claims 17-26 are also rejected as they depend from claim 16.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-7 and 12-15 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Beattie et al., U.S. Patent No. 5,659,742.

As per claims 1-7 and 12-15, Beattie et al. teach a virtual environment for delivering works comprising:

- a plurality of networks representing individual faith communities and their members, where each network comprises a plurality of networked computers (figures 3 and 4A)
- each network as a hierarchy comprising a billing computer that synchronizes and delegates tasks among said plurality of computers (figure 3)
- a second tier including a server for allocating network resources, maximizing bandwidth and directing selected works to subscribing member requesting works and a third tier including a plurality of subscribing member devices, each subscribing member device having

a system programming containing individual subscribing member identification means and work accessing means (figures 3, 4A and 13)

- wherein said work accessing means comprises one of a virtual reality representation of a site, a live session and an interactive accessing procedure (figures 4A-C)
- real-time login procedure and request and reply mechanism for validating each activity and transaction (figures 3, 4 and 6A; column 21, lines 28-58)
- an answer database, means for retrieving answers from said database in response to questions from members and continually updating and altering said database (figures 1-4C; column 12, lines 15-35)
- creating a virtual representation of God (e.g. linked computers, programmed by certain fundamental truths based on the church, and the dogma followed by the faith community members) including a database containing data about world history, dilemmas and dogma (figures 1-4C; column 12, lines 15-35; column/line 20/25-25/8)
- the virtual representation of God further reprogramming the way virtual angels interact with members (column/line 20/25-21/25; column/line 23/10-25/8)
- the virtual representation of God identifying each subscribing member by personal information and having access to audio, video and

documents useful in answering questions to members (figures 3 and 13; column/line 11/27-12/15; column/line 12/66-13/28; column/line 35/28-37/63)

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beattie et al., U.S. Patent No. 5,659,742 in view of Klingman, U.S. Patent No. 5,729,594.

As per claims 8 and 9, Beattie et al. teach a system for delivering works to members in exchange for payment (figures 1, 3, 4A, 13; column/line 35/29-37/40). However, Beattie et al. do not specifically recite user devices that comprise invoices comprising credit card numbers for making payment for goods and services. Klingman disclose online transactions where a buyer computer receives an invoice and appends a credit card number (column 2, lines 17-25). Therefore, it would have been to one of ordinary skill to combine the teachings of

Beattie et al. and Klingman in order to protect user data as it travels across the internet ('594, column 2, lines 20-25).

8. Claims 10, 11, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beattie et al., U.S. Patent No. 5,659,742 in view of Shear, U.S. Patent No. 5,410,598.

As per claims 10, 11, 16, and 17 Beattie et al. teach a system for delivering works to members in exchange for payment (figures 1, 3, 4A, 13; column/line 35/29-37/40). Beattie et al. also teach loading system programming for loading into an individual subscriber computer, collecting royalty data, creating a user profile and monitoring user use of the system (figures 1 and 13; column/line 35/29-37/63). Regarding monitoring the conduct of online or virtual community members, the Examiner takes Official Notice that SysAdmin and SYSOP roles are old and well known. However, Beattie et al. do not specifically recite encrypting works on a user device nor does Beattie et al. specifically recite directing royalty payments. Shear teaches a method and system for securely disseminating works to users comprising encrypting works to prevent unauthorized access and decrypting works for paying users (abstract). Shear also teaches directing payments for use of the work (column/line 4/47-5/10; column/line 6/51-7/3). Therefore, it would have been obvious to one of ordinary skill to combine the teachings of Beattie et al. and Shear in order to provide

content providers with a means for generating income ('598, column 5, lines 1-10).

9. Claims 18-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beattie et al., U.S. Patent No. 5,659,742 and Shear, U.S. Patent No. 5,410,598 as applied to claim 16, and in further view of Goldhaber et al., U.S. Patent No. 5,794,210.

As per claims 18-26, Beattie et al. teach a system for delivering works (e.g. audio, video) to members in exchange for payment (figures 1, 3, 4A, and 13; column/line 12/65-13/28; column/line 35/29-37/40). Shear teaches directing payments for use of the work (column/line 4/47-5/10; column/line 6/51-7/3). However, neither Beattie et al. nor Shear specifically recite providing users with system credits. Goldhaber et al. teach a system for financially compensating users for use of an online service (e.g. viewing targeted advertisements) (abstract; column 6, lines 33-62; column/line 7/2-8/21; column/line 10/57-11/34). Therefore, it would have been obvious to one of ordinary skill to combine the teachings of Beattie et al., Shear and Goldhaber et al. in order compensate consumers for the system's or marketer's use of consumer data ('210, abstract; column 37, lines 40-63).

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Mitchell et al. teach virtual communities

11. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Calvin Loyd Hewitt II whose telephone number is (703) 308-8057. The Examiner can normally be reached on Monday-Friday from 8:30 AM-5:00 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, James P. Trammell, can be reached at (703) 305-9768.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

c/o Technology Center 2100

Washington, D.C. 20231

or faxed to:

(703) 305-7687 (for formal communications intended for entry and after-final communications),

or:

(703) 746-5532 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

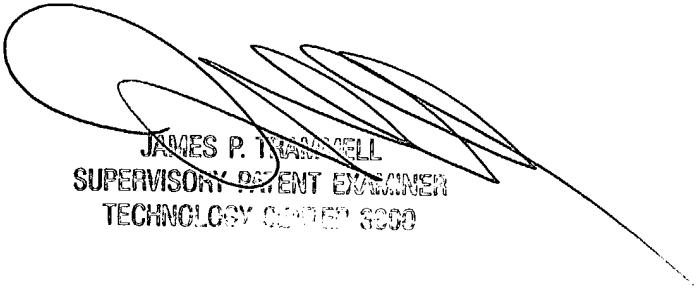
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Hand-delivered responses should be brought to Crystal Park 5,
2451 Crystal Drive, 7th Floor Receptionist.

Any inquiry of a general nature or relating to the status of this application
should be directed to the Group receptionist whose telephone number is (703)
308-1113.

Calvin Loyd Hewitt II

July 1, 2004



JAMES P. TAMMELL
SUPERVISORY PATENT EXAMINER
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